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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,622	08/13/2001	Mark Berman	BP1520	7999

51472 7590 12/23/2005

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EXAMINER
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ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/928,622	<b>Applicant(s)</b> BERMAN ET AL.	
	<b>Examiner</b> A Elamin	<b>Art Unit</b> 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 and 36-44 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-17, 25-28 and 31-35 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 18, 19, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 3, 6-17, 25-28, 31-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Tran, Pub. No. US 2002/0019954.

3. Claims 1, 11, 14, 25, Tran teaches an energy detect with auto pair select system [*title, abstract, Figs. 3-4*], comprising:

a device that is operable to perform energy detection with auto pair selection [*device 28 of Fig. 3*];

a plurality of wire pairs that is communicatively coupled to the device [*RD 95 and SD 120 of Fig. 3*]; and

wherein the device generates a qualified energy by considering an energy associated with at least two wire pairs within the plurality of wire pairs [*abstract, para 0006, 0027*];

the device uses the qualified energy to determine whether at least one additional device is communicatively coupled to the device via at least one wire pair within the plurality of wire pairs [*abstract, para 0006*]; and

the device performs auto power down when no device is communicatively coupled to the device via the wire pair [*abstract, para 0006*].

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4. Claims 2, 15, 28, Tran teaches the auto power down comprises a partial auto power down [*minimized power operating mode, para 0031*].
5. Claims 3, 12-13, Tran teaches the device performs auto media dependent interface crossover functionality when the wire pair is transposed with at least one additional wire pair [*see Fig. 3 and related disclosure*].
6. Claims 6, 31, Tran teaches the device uses the energy of at least one wire pair within the plurality of wire pairs as the qualified energy when the device does not transmit a link pulse [*abstract, para 0006*].
7. Claims 7, 32, Tran teaches the plurality of wire pairs comprises at least one of a receive wire pair and a transmit wire pair [*RD 95 of Fig. 3*].
8. Claims 8, 33, Tran teaches a state machine that is operable to determine connectivity of the device with the plurality of wire pairs [*the transceiver state machine, abstract, para 0007*].
9. Claims 9, 17, 34, Tran teaches the state machine is operable to change an operational state of the device based on whether at least one additional device is communicatively coupled to the device via at least one wire pair within the plurality of wire pairs [*abstract, para 0007*].
10. Claims 10, 16, 27, 35, Tran teaches the device performs wake up from a standby state when the device determines that the at least one additional device is communicatively coupled to the device via the wire pair [*see wake-up control 135 of Fig. 4 and related disclosure*].
11. Claims 26, Tran teaches performing auto negotiation between the device and at least one additional device [*para 0027 and 0035*].

***Allowable Subject Matter***

12. Claims 4-5, 18-19 and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

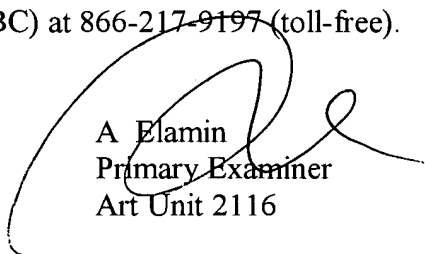
13. Claims 20-24 and 36-44 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A Elamin  
Primary Examiner  
Art Unit 2116

December 20, 2005